

Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure

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Serial No.: 10/008,355

Confirmation No.: 4382

Filed: November 8, 2001

For: DIPEPTIDYLPEPTIDASES AND METHODS OF USE**Remarks**

The Office Action mailed January 14, 2004, has been received and reviewed. Claims 54-56, 58-73, 75, and 77 having been canceled, and claims 57 and 74 having been amended, the pending claims are claims 57, 74, and 76.

Claims 57 and 74 have been amended by rewriting them in independent form.

Reconsideration and withdrawal of the rejections are respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 57, 74, and 76 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully note that claim 76 is an independent claim. Claims 57 and 74 having been amended herein by rewriting them in independent form, Applicants respectfully request that the Examiner enter the amendments to the claims, and pass pending claims 57, 74, and 76 on to allowance.

Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 58 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 58 having been canceled, Applicants respectfully submit that the rejection has been rendered moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §112, First Paragraph

The Examiner rejected claims 60-73 and 75 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner also rejected claims 60-73 and 75

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under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 60-73 and 75 having been canceled, Applicants respectfully submit that the rejection has been rendered moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §102

The Examiner rejected claims 54-56, 58-70, and 77 under 35 U.S.C. §102 over Applicants' alleged admission of prior art. The Examiner also rejected claims 54-56, 58, 63-71, and 75 under 35 U.S.C. §102 as being anticipated by U.S. Pat. No. 6,444,799 (Ross et al.). Claims 54-56, 58-71, 75, and 77 having been canceled, Applicants respectfully submit that the rejection under 35 U.S.C. §102 has been rendered moot. Reconsideration and withdrawal of the rejection is respectfully requested.

Information Disclosure

The Examiner reminded Applicants of their duty to disclose all prior art relevant to the present application, and noted that Applicants have not disclosed the sequence, or date of availability to the public, for the genomic contig gln/TIGR/p. Gingivalis_1208.

Applicants' Representatives wish to clarify the record to reflect their belief that the duty of disclosure has been satisfied by disclosing to the United States Patent and Trademark, all information available to them regarding contigs from the TIGR database. *See, for example*, the Declaration under 37 C.F.R. §1.132, submitted by Applicants on January 7, 2003.

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Summary

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
James TRAVIS et al.

By
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April 14, 2004
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this
14th day of April, 2004, at 9:20 A.M. (Central Time).

By: [Signature]
Name: Sandy Truehart